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2003 SEP 12 P 4: 11

Paul R. Michaud (NO. 010059)
MARTINEZ & CURTIS, P.C.
2712 North 7th Street
Phoenix, Arizona 85006-1090

BEFORE THE ARIZONA CORPORATION COMMISSION
AZ COMMISSION
DOCUMENT CONTROL

COMMISSIONERS

Arizona Corporation Commission

DOCKETED

MARC SPITZER, CHAIRMAN
JIM IRVIN
WILLIAM A. MUNDELL
JEFF HATCH-MILLER
MIKE GLEASON

SEP 12 2003

DOCKETED BY *CH*

- IN THE MATTER OF THE GENERIC PROCEEDING) DOCKET NO. E-00000A-02-0051
- CONCERNING ELECTRIC RESTRUCTURING)
- ISSUES.)

- IN THE MATTER OF ARIZONA PUBLIC SERVICE) DOCKET NO. E-01345A-01-0822
- COMPANY'S REQUEST FOR A VARIANCE OF)
- CERTAIN REQUIREMENTS OF A.A.C. R14-2-1606.)

- IN THE MATTER OF THE GENERIC PROCEEDING) DOCKET NO. E-00000A-01-0630
- CONCERNING THE ARIZONA INDEPENDENT)
- SCHEDULING ADMINISTRATOR.)

- IN THE MATTER OF TUCSON ELECTRIC POWER) DOCKET NO. E-01933A-02-0069
- COMPANY'S APPLICATION FOR A VARIANCE OF)
- CERTAIN ELECTRIC COMPETITION RULES)
- COMPLIANCE DATES.)

**MOTION AND CONSENT OF LOCAL COUNSEL FOR
PRO HAC VICE ADMISSION OF DANIEL W. DOUGLASS**

The above-named attorney, pursuant to Rule 33(c) and (d) Rules of the Supreme Court, hereby moves the Arizona Corporation Commission ("Commission") to admit Daniel W. Douglass as counsel pro hac vice in the above-captioned proceedings.

Pursuant to Rule 33(d)(3)(c) Rules of the Supreme Court, the following exhibits are attached hereto:

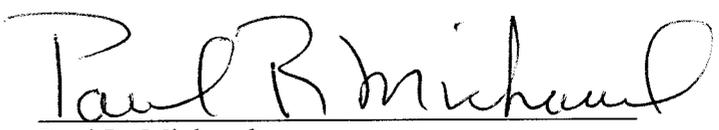
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1. the original Verified Application;
2. the original Certificate of Good Standing; and
3. the State Bar of Arizona Notice of Receipt.

The filing fee as required by Rule 33(d) has been submitted to the State Bar of Arizona. Paul R. Michaud hereby agrees to serve as designated local counsel for the subject proceedings. A proposed order admitting Daniel W. Douglass accompanies this motion.

RESPECTFULLY SUBMITTED this 12th day of September, 2003.

MARTINEZ & CURTIS, P.C.



Paul R. Michaud
2712 North 7th Street
Phoenix, Arizona 85006-1090
(P) 602-248-0372
(F) 602-266-8290
(E) pmichaud@martinezcurtis.com

**Original and 13 copies of the foregoing
filed this 12th day of September, 2003 with:**

Docket Control
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, Arizona 85007

1 **Copy of the foregoing hand-delivered this**
2 **12th day of September to:**

3 Teena Wolfe, Administrative Law Judge
4 Hearing Division
5 ARIZONA CORPORATION COMMISSION
6 1200 West Washington Street
7 Phoenix, Arizona 85007

8 **Copies of the foregoing mailed without a copy**
9 **of the service list this 12th day of September, 2003 to:**

10 (Docket Service List)

11
12
13 by  _____

14 F:\1655\pleadings\Constellation motion pro hac.doc

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EXHIBIT 1

ORIGINAL VERIFIED APPLICATION



For Official Use Only
App# <u>1000560</u>
Pro Hac ID # <u>P19828C</u>

**NONRESIDENT ATTORNEY
PRO HAC VICE APPLICATION**

Name: Daniel W. Douglass, Esq.
 Residence Address: 4062 Nogales Drive, Tarzana, CA 91356
 Office Address: 6303 Owensmouth Avenue, Tenth Floor, Woodland Hills, California 91367
 Telephone: 818.936.2466 Fax: 818.936.2101

Title of cause or case where applicant seeks to appear: See Attachment A
 Docket Number: See Attachment A
 Court, Board, or Administrative Agency: Arizona Corporation Commission
 Party on whose behalf applicant seeks to appear: Strategic Energy, L.L.C. and Constellation NewEnergy, Inc.

Courts to Which Applicant Has Been Admitted:	Date of Admission:	Bar Number:
<u>State Bar of California</u>	<u>12/20/74</u>	<u>60989</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Applicant is a member in good standing in such courts.
 Applicant is not currently disbarred or suspended in any court.

Applicant is / is not (select one) currently subject to any pending disciplinary proceeding or investigation by any court, agency or organization authorized to discipline attorneys at law.

Jurisdiction(s) Where Discipline Matter Pending:	Nature of Matter Under Investigation:	Name / Address of Disciplinary Authority:
_____	_____	_____
_____	_____	_____
_____	_____	_____

Applicant has / has not (select one) been disciplined by any court, agency or organization authorized to discipline attorneys at law.

In the preceding three (3) years, applicant has filed applications to appear as counsel under Rule 33, Arizona Rules of Supreme Court in the following:

Title of Matter:	Docket #:	Court or Agency:	Application Granted? (Y/N)
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Name of local counsel: Paul Michaud, Esq.
State Bar of Arizona Number: 016659
Address: Martinez & Curtis, P.C., 2712 North Seventh Street, Phoenix, AZ, 85006

Telephone : 602.248.0372 Fax: 602.266.8290

Name(s) of each party in this cause and name and address of all counsel of record:

Party:	Counsel of Record:	Address:
<u>See Attachment B, Service List</u>	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Applicant is including with this application a nonrefundable application fee, payable to the State Bar of Arizona, in the amount of \$348.50.

This case or cause is / is not (**select one**) a related or consolidated matter for which applicant has previously applied to appear pro hac vice in Arizona. If this matter is a related or consolidated with any previous application, applicant certifies the following:

Applicant certifies the following:

1. Applicant shall be subject to the jurisdiction of the courts and agencies of the State of Arizona and to the State Bar of Arizona with respect to the law of this state governing the conduct of attorneys to the same extent as an active member of the State Bar of Arizona, as provided in Rule 46(b) Rules of the Supreme Court.
2. Applicant will review and comply with appropriate rules of procedure as required in the underlying cause.
3. Applicant understands and shall comply with the standards of conduct required of members of the State Bar of Arizona.

Verification

STATE OF California)
County of Los Angeles) ss.

I, the Applicant, swear that all statements in the application are true, correct and complete to the best of my knowledge and belief.

Dated: 8/20/03

Applicant's signature Daniel W. Douglass

SUBSCRIBED AND SWORN TO before me this 8/20/03 day of August, 2003 by
Daniel W. Douglass
Name of Applicant

Robyn Hastings
Notary Public

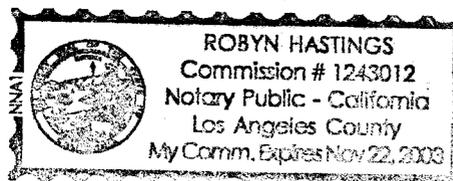


EXHIBIT 2

ORIGINAL CERTIFICATE OF GOOD STANDING



THE
STATE BAR
OF CALIFORNIA

180 HOWARD STREET
SAN FRANCISCO, CALIFORNIA 94105-1639
TELEPHONE (415) 538-2000

August 11, 2003

TO WHOM IT MAY CONCERN:

This is to certify that according to the records of the State Bar, DANIEL WILLIAM DOUGLASS was admitted to the practice of law in this state by the Supreme Court of California on December 20, 1974; and has been since that date, and is at date hereof, an ACTIVE member of the State Bar of California; and that no recommendation for discipline for professional or other misconduct has ever been made by the Board of Governors or a Disciplinary Board to the Supreme Court of the State of California.

THE STATE BAR OF CALIFORNIA

Charlotte Blackford
Supervisor
Membership Records

EXHIBIT 3

STATE BAR OF ARIZONA NOTICE OF RECEIPT

1 **Arizona Corporation Commission**

2
3 Plaintiff,)

CASE # E 00000A 02 0051

4 v.)

SBA App # 1000560

5
6 Defendant,)

**NOTICE OF RECEIPT OF
COMPLETE APPLICATION**

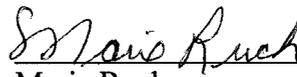
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8 NOTICE IS HEREBY given by THE STATE BAR OF ARIZONA that it has
9 received the verified application and fee from Danie|W. Douglass.

10 In addition to this application, applicant has made the following applications to appear
11 pro hac vice, pursuant to Rule33 (d), within the previous three (3) years:

Title of Matter	Court/Agency	Date	Granted?	
_____	_____	_____	yes	<input type="checkbox"/> no
_____	_____	_____	<input type="checkbox"/> yes	<input type="checkbox"/> no
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_____	_____	_____	<input type="checkbox"/> yes	<input type="checkbox"/> no

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17 Exhibit A, the original verified application and Exhibit B, the original Certificate(s) of
18 Good Standing are attached hereto.

19 DATED this 26th day of August, 2003

20 
21 Marie Ruch
22 Membership Records
23 State Bar of Arizona

24 Original Mailed on
25 August 26th, of 2003 to:
Paul Michaud
2712 N. Seventh St.
Phoenix, AZ 85006-0001

PROPOSED ORDER ADMITTING DANIEL W. DOUGLASS

1 Paul R. Michaud (No. 016659)
2 MARTINEZ & CURTIS, P.C.
3 2712 North 7th Street
4 Phoenix, Arizona 85006-1090

5 **BEFORE THE ARIZONA CORPORATION COMMISSION**

6 COMMISSIONERS

7 MARC SPITZER, CHAIRMAN
8 JIM IRVIN
9 WILLIAM A. MUNDELL
10 JEFF HATCH-MILLER
11 MIKE GLEASON

12 IN THE MATTER OF THE GENERIC PROCEEDING) DOCKET NO. E-00000A-02-0051
13 CONCERNING ELECTRIC RESTRUCTURING)
14 ISSUES.)

15 _____)
16 IN THE MATTER OF ARIZONA PUBLIC SERVICE) DOCKET NO. E-01345A-01-0822
17 COMPANY'S REQUEST FOR A VARIANCE OF)
18 CERTAIN REQUIREMENTS OF A.A.C. R14-2-1606.)

19 _____)
20 IN THE MATTER OF THE GENERIC PROCEEDING) DOCKET NO. E-00000A-01-0630
21 CONCERNING THE ARIZONA INDEPENDENT)
22 SCHEDULING ADMINISTRATOR.)

23 _____)
24 IN THE MATTER OF TUCSON ELECTRIC POWER) DOCKET NO. E-01933A-02-0069
25 COMPANY'S APPLICATION FOR A VARIANCE OF)
CERTAIN ELECTRIC COMPETITION RULES)
COMPLIANCE DATES.)

26 **ORDER RE:**
27 **PRO HAC VICE ADMISSION OF DANIEL W. DOUGLASS**

28 Based upon the Motion for Admission Pro Hac Vice of Daniel W. Douglass and the
29 consent to appear as local counsel by Paul R. Michaud, it is hereby ordered that Daniel W. Douglass
30 be admitted pro hac vice as counsel for Constellation NewEnergy, Inc. and Strategic Energy, L.L.C. in
31 the above-captioned proceedings.

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DATED this _____ day of September, 2003.

TEENA WOLFE
ADMINISTRATIVE LAW JUDGE

**Copies of the foregoing mailed/delivered
this _____ day of September, 2003 to:**

Docket Service List for Docket No. E-00000A-02-0051 et al.

By:

Molly Johnson
Secretary to Teena Wolfe

F:\1655\pleadings\Constellation order pro hac